

## **REMARKS**

Claims 111-120 are pending in the application. Claims 112-120 are new. Claims 1-110 have been canceled.

Support for the new claims is as follows:

Support for claim 112 is found at page 3, line 14 of the as-filed application; Support for claim 113 is found at page 9, line 8 of the as-filed application; Support for claim 114 is found at page 3, line 14 and page 9, line 18 of the as-filed application; Support for claim 115 is found at page 10, lines 24-25 of the as-filed application; Support for claim 116 is found at page 9, line 20 of the as-filed application; Support for claim 117 is found at page 17, line 31 of the as-filed application; Support for claim 118 is found at page 18, line 3 of the as-filed application; Support for claim 119 is found in page 45, line 29; and Support for claims 120 is found in page 45, line 27 of the as-filed application.

Claims 1-110 have been canceled without prejudice. Applicants reserve the right to re-file the claims in a continuation application.

**Claims 1-111 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-73 of copending Application 10/881,497.**

Applicants will submit a terminal disclaimer when necessary. Moreover, Applicants note that in the presently claimed invention, an infusion set, does not appear to conflict with the claims of copending Application 10/881,497, which are directed to a hydrocephalus shunt.

**Claims 1-5, 7-19, 21-22, 46-78, 83-111 stand rejected under 35 USC 102 as being anticipated by US Published patent application 2003/0125679 (“Kubota”).**

With respect to claim 111, Applicants submit that Kubota does not disclose, teach or even suggest an infusion set, as is required by claim 111. In particular, Kubota does not disclose a needle housing or a mounting pad. Thus, the rejection should be withdrawn.

With respect to claims 1-5, 7-19, 21-22, 46-78, 83-111, these claims have been canceled. Thus, the rejection should be withdrawn as moot.

**Claims 6,20,23-45,79-82 stand rejected under 35 USC 103 as being obvious over Kubota in view of US Patent No. 5,779,912 (Gongalez-Martin).**

Each of these claims has been canceled. Thus, the rejection should be withdrawn as moot.

With respect to inventorship, Applicants believe that Messrs. Serhan, Malone, and Beardsley are no longer inventors of the presently claimed invention.

An Information Disclosure Statement will be filed shortly.

As the response to the above-captioned office action was due on October 11, 2006, please provide for a THREE (3) month extension of time and charge the appropriate fee, which is due to Deposit Account No. 10-0750, but do not include any payment of issue fees. Accordingly, the due date for response is now January 11, 2007.

In addition, please provide any additional extensions of time which may be necessary and charge any fees which may be due to Deposit Account No. 10-0750, but do not include any payment of issue fees.

Should there be any remaining or further questions, the Examiner is requested to place contact the undersigned directly.

Respectfully submitted,

\_\_\_\_/Eugene L. Szczecina, Jr./\_\_\_\_

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